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CONGRESSMAN PRESSES PROBE OF REPORTED CIA-NICARAGUAN CLASH  
BY ROBERT PARRY

WASHINGTON (AP) - A DEMOCRATIC CONGRESSMAN HAS CALLED ON THE HOUSE INTELLIGENCE COMMITTEE TO DETERMINE WHETHER AMERICAN CIA PERSONNEL TOOK PART IN A HELICOPTER ATTACK AGAINST NICARAGUAN GOVERNMENT POSITIONS A YEAR AGO.

REP. JOHN F. SEIBERLING, D-Ohio, SAID THAT IF SUCH AN ATTACK OCCURRED, "THERE WOULD APPEAR TO BE NO QUESTION THAT THE OPERATIONS WERE IN VIOLATION OF THE WAR POWERS ACT."

IN DECEMBER, THE ASSOCIATED PRESS REPORTED THAT AMERICAN HELICOPTER CREWS UNDER CIA CONTRACT EXCHANGED HOSTILE FIRE WITH NICARAGUAN FORCES TWICE IN 1984, ON JAN. 6 AND MARCH 7.

U.S. GOVERNMENT OFFICIALS, WHO INSISTED ON ANONYMITY, SAID THE CIA CONTENDED THE ACTION WAS DEFENSIVE, TO PROTECT CIA-HIRED LATIN COMMANDOS WHO HAD COME UNDER FIRE. BUT ONE OFFICIAL SAID THE JAN. 6 CLASH WAS ACTUALLY AN OFFENSIVE ATTACK ON A NICARAGUAN ARMS STORAGE FACILITY AT THE NORTHERN PORT CITY OF POTOSI.

IN A LETTER LAST FRIDAY TO REP. LEE HAMILTON, D-Ind., INTELLIGENCE COMMITTEE CHAIRMAN, SEIBERLING SAID THE ADMINISTRATION COULD HAVE VIOLATED THE 1973 WAR POWERS ACT IF IT DID NOT NOTIFY CONGRESS ABOUT THE JAN. 6 INCIDENT.

"I WOULD BE INTERESTED IN LEARNING WHETHER THE COMMITTEE IS CONVINCED THAT THESE INCIDENTS WERE PURELY DEFENSIVE ON THE PART OF THE CIA EMPLOYEES, OR WHETHER THERE IS ANY POSSIBILITY THAT THE AGENCY EMPLOYEES COULD HAVE BEEN INVOLVED IN OFFENSIVE OPERATIONS AGAINST THE GOVERNMENT OF NICARAGUA OR ITS ARMED FORCES," HE WROTE.

"IF THE LATTER IS THE CASE, THERE WOULD APPEAR TO BE NO QUESTION BUT THAT THE OPERATIONS WERE IN VIOLATION OF THE WAR POWERS ACT," HE ADDED. "I AM DEEPLY DISTURBED AT THE PROSPECT THAT THE PRESIDENT AND THE DIRECTOR OF CENTRAL INTELLIGENCE SEEM TO FEEL THAT THEY CAN IMPLEMENT THEIR POLICY TOWARD CENTRAL AMERICA BY VIOLATING THE WAR POWERS ACT WITH IMPUNITY."

THE AP OBTAINED A COPY OF SEIBERLING'S LETTER ON TUESDAY.

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THE WAR POWERS ACT, ENACTED OVER PRESIDENT NIXON'S VETO IN 1973, RESTRICTS A PRESIDENT'S POWERS TO COMMIT U.S. MILITARY FORCES ABROAD WITHOUT NOTIFICATION AND APPROVAL OF CONGRESS.

IT REQUIRES THE PRESIDENT TO NOTIFY CONGRESS WITHIN 48 HOURS ANY TIME HE SENDS COMBAT TROOPS INTO A FOREIGN COUNTRY AND STATES THAT THE TROOPS MUST BE WITHDRAWN WITHIN 60 DAYS UNLESS CONGRESS DECLARES WAR OR AUTHORIZES THE FORCES TO STAY.

ONE CONGRESSIONAL OFFICIAL, WHO INSISTED ON ANONYMITY, SAID IT IS NOT CLEAR THAT THE ACT WOULD APPLY TO CIVILIAN PARAMILITARY FORCES UNDER CONTRACT TO THE CIA, BUT HE ADDED THAT THE HOUSE INTELLIGENCE COMMITTEE WAS REVIEWING THE ISSUE.

IN RESPONSE TO AN EARLIER LETTER BY SEIBERLING ON THE QUESTION, REP. EDWARD P. BOLAND, D-MASS., THE COMMITTEE'S FORMER CHAIRMAN, SAID THE AP STORY REFERRED "TO ACTIONS WHICH TOOK PLACE ON JAN. 6 AND MARCH 7, 1984, RESPECTIVELY" BUT ADDED THAT "THE ONLY STATUTORY RESTRICTION" ON THE CIA'S NICARAGUAN COVERT ACTION EXISTING THEN WAS A \$24 MILLION CAP ON SPENDING.

"THE COMMITTEE HAS MADE ITS DISPLEASURE ABOUT LACK OF NOTIFICATION ABOUT THE MINING AND OTHER PARAMILITARY ACTIVITIES IN NICARAGUA ABUNDANTLY CLEAR," BOLAND SAID.

CONGRESS SUSPENDED FUNDING FOR THE COVERT WAR LAST YEAR, BUT PRESIDENT REAGAN IS EXPECTED TO PUSH FOR RENEWED SPENDING AFTER THE CUTOFF EXPIRES FEB. 28.